

FILED

NOV 20 2007

NOT FOR PUBLICATION
UNITED STATES COURT OF APPEALS

CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

CHERI EMMANUEL,

Defendant - Appellant.

No. 06-10695

D.C. No. CR-05-00070-RLH

MEMORANDUM^{*}

Appeal from the United States District Court
for the District of Nevada
Roger L. Hunt, District Judge, Presiding

Submitted October 22, 2007^{**}

Before: B. FLETCHER, WARDLAW and IKUTA, Circuit Judges.

Cheri Emmanuel appeals from her guilty-plea conviction and 120-month sentence for possession with intent to distribute a controlled substance, in violation of 18 U.S.C. § 2, and 21 U.S.C. § 841(a)(1), (b)(1)(A)(viii).

^{*} This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

^{**} This panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

Pursuant to *Anders v. California*, 386 U.S. 738 (1967), Emmanuel's counsel has filed a brief stating that he finds no meritorious issues for review, along with a motion to withdraw as counsel of record. We have given the appellant an opportunity to file a pro se supplemental brief. No pro se supplemental brief or answering brief has been filed.

Because our independent review of the record pursuant to *Penson v. Ohio*, 488 U.S. 75, 82-83 (1988), indicates that Emmanuel knowingly and voluntarily waived her right to appeal and was sentenced within the terms of the plea agreement, we enforce the waiver and dismiss the appeal. *See United States v. Nguyen*, 235 F.3d 1179, 1182 (9th Cir. 2000).

Accordingly, we **GRANT** counsel's motion to withdraw and **DISMISS** the appeal.